



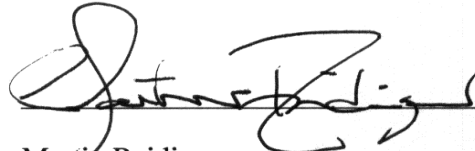
because he has received authorization from the Fourth Circuit Court of Appeals to file a second or successive petition. The Defendant also renews his request for relief under Johnson in his motion. [Doc. 132].

A review of the Fourth Circuit's docket reveals that the Court of Appeals granted the Defendant authorization to file a second or successive § 2255 motion on May 23, 2016, three weeks after the filing of the Defendant's May 2, 2016 "Addendum." In re: Ruff, No. 16-539 (4th Cir. May 23, 2016). Thus, the May 2, 2016 Addendum was properly denied as an unauthorized second or successive habeas motion. In light of the Court of Appeals' Order of May 23, 2016, however, the Defendant's most recent "Addendum" can be properly considered an authorized second or successive motion to vacate under 28 U.S.C. § 2255.

**IT IS, THEREFORE, ORDERED** that the Defendant's filing entitled "Addendum" [Doc. 132] is hereby construed as an authorized second or successive motion to vacate pursuant to 28 U.S.C. § 2255. The Clerk is respectfully directed to open a separate civil case and to provide notice of the Defendant's motion as well as a copy of this Order to the Government, the Defendant, and the Federal Defenders of Western North Carolina.

**IT IS SO ORDERED.**

Signed: June 9, 2016

  
Martin Reidinger  
United States District Judge

